IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

TIMOTHY JAMES FRYAR, #1961774 §

VS. § CIVIL ACTION NO. 4:15cv792

DUSTIN STACKS, ET AL.

ORDER OF DISMISSAL

Plaintiff Timothy James Fryar, a prisoner confined in the Texas prison system, proceeding *pro se*, brings this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Christine A. Nowak, who issued a Report and Recommendation concluding that the lawsuit should be dismissed. Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiff are without merit. It is therefore

ORDERED that the Defendants' motion to dismiss (Dkt #18), construed as a motion for summary judgment, is **GRANTED** and the lawsuit is **DISMISSED** with prejudice. All motions not previously ruled on are **DENIED**.

SIGNED this 23rd day of July, 2016.

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UNITED STATES DISTRICT JUDGE